



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-11-00237-CV**

ONCOR ELECTRIC DELIVERY  
COMPANY LLC

APPELLANT

V.

GIOVANNI HOMES  
CORPORATION

APPELLEES

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FROM THE 48TH DISTRICT COURT OF TARRANT COUNTY  
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**ORDER**  
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It has come to this court's attention that there may be a jurisdictional issue in this case. See *City of Allen v. Pub. Util. Comm'n of Tex.*, 161 S.W.3d 195, 199 (Tex. App.—Austin 2005, no pet.); see also *Partners in Bldg., L.P. v. Eure*, No. 14-12-00123-CV, 2013 WL 1279407, at \*2 (Tex. App.—Houston [14th Dist.] Mar. 28, 2013, no pet.) (noting that an appellate court inquires sua sponte into whether the trial court had jurisdiction because lack of jurisdiction in the trial court deprives the appellate court of jurisdiction); *City of Hous. v. CenterPoint Energy*

*Hous. Elec., LLC*, No. 01-11-00885-CV, 2012 WL 6644982, at \*2–3, \*8 (Tex. App.—Houston [1st Dist.] Dec. 20, 2012, no pet.) (discussing jurisdiction in dispute involving electric utility).

Therefore, we request that each party file a supplemental brief, not to exceed 7,500 words, to (1) address whether the Public Utility Commission of Texas had exclusive jurisdiction over Appellee Giovanni Homes Corporation’s breach of contract claim and (2) explain the role of Oncor’s tariff and the filed-rate doctrine in light of the 1999 deregulation amendments to the Public Utility Regulatory Act. *Cf. Sw. Elec. Power Co. v. Grant*, 73 S.W.3d 211, 216–17 (Tex. 2002) (addressing issue under pre-1999 regulatory scheme); *RT Realty, L.P. v. Tex. Util. Elec. Co.*, 181 S.W.3d 905, 910, 913 & n.4 (Tex. App.—Dallas 2006, no pet.) (op. on reh’g) (addressing claim that accrued in 1995). The supplemental briefs on these two specific issues should be filed on or before **Thursday, September 19, 2013**.

The clerk of this court is directed to transmit a copy of this order to the attorneys of record.

DATED August 20, 2013.

PER CURIAM

PANEL: WALKER, MCCOY, and GABRIEL, JJ.